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10/632,072	07/31/2003	Patrick G. McGowan	RSW920030088US1	2034

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>31 July 2003</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-40</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-40</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

1.   Claims 1-40 are pending in this application and presented for examination.

Response to Arguments

2.   Applicant's arguments filed 9/25/07 have been fully considered but they are not

persuasive.

3.   Applicant alleges it would not have been obvious to use a mobile device and

requests findings or references to support such a conclusion. KSR forecloses the

argument that a specific teaching, suggestion, or motivation is required to support a

finding of obviousness. See the recent Board decision *Ex parte Smith*, --USPQ2d--, slip

op. at 20, (Bd. Pat. App. & Interf. June 25, 2007) (citing *KSR*, 82 USPQ2d at 1396)

(available at http://www.uspto.gov/web/offices/dcom/bpai/prec/fd071925.pdf).

Furthermore, Applicant requests findings for a "hand-held mobile device", but Applicant

is reminded that "hand-held" only appears in the pre-amble and is not given weight. The

body of the claim merely references "a mobile device" which may include systems such

as a laptop. Clearly a laptop would be an obvious component of a networking

environment as in Lenz, as laptops have been an integral part of the computer industry

for many years.

4.   Applicant argues the equation of a comparison of versions with time information,

stating that "a version of a particular software may be completely independent of the

time in which it was created." Examiner respectfully disagrees. Clearly an updated

version of software will have been created at a time later than the previous version of

the same software.

Additionally, Applicant argues checking time values may indicate that a file has

changed even if its version, if any, remains the same. Even assuming this is the case, it

is noted that the features upon which applicant relies are not recited in the rejected

claims. Although the claims are interpreted in light of the specification, limitations from

the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993).

5.   Applicant argues Lenz is not concerned with determining whether a user has

changed client properties and retaining changes made to a properties file by a user.

Examiner respectfully disagrees and points out that the user may set preferences,

thereby overriding default preferences set by an administrator (Lenz: Col. 4, In. 1-10

and 40-42) and may override an initial configuration of a system with a configuration

that has been created by a user, thereby allowing the user to move to different systems

and retain user preferences (Lenz: Col. 5, In. 8-16).

6.   Applicant's argument that the dependent claims are allowable due to the

allowable nature of the independent claims is not persuasive, as the rejections of the

independent claims have been maintained.

Claim Rejections - 35 USC § 103

7.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

8.   Claims 1-5, 7-13, 15-17, 20-26, 28-31, and 33-39 are rejected under 35 U.S.C.

103(a) as being unpatentable over Lenz, U.S. Patent No. 6,029,196, in view of Official

Notice.

9.   As to claim 1, Lenz discloses a method for preserving hand-held mobile devices

user settings, comprising:

initiating an enterprise application on a device (Col. 2, In. 66 – Col. 3, In. 12), and

reading a client properties file from a device memory of the device into an application

memory (Fig. 10; Fig. 11, items 1114 and 1105; memory is an inherent component of

clients and servers operating in the networking environment of Lenz);

receiving an updated properties file from a server in the device memory (Fig. 10,

item 1006; Col. 5, In. 34-44) to determine whether the client properties have been

changed by a user (Col. 4, In. 1-10 and 40-42);

comparing time values of the updated properties file to time values of the client

properties file in the application memory (Fig. 9; Col. 2, In. 12-22; a file version of the

client's file and the file version of the server's file may be interpreted as time values, as

the "new files" relate to time in that an older file version precedes a newer file version in

time);

reconciling, based on the comparison, the client properties file and the updated

properties file to yield a reconciled properties file (Fig. 10; Col. 1, ln. 63 – Col. 2, ln. 22;

Col. 4, ln. 1-10); and

writing the reconciled properties file to the device memory (Fig. 10-11; Col. 5, ln.

34-44).

Lenz does not explicitly disclose that the device is a mobile device.

Official Notice is taken that mobile devices such as: laptops, mobile phones,

PDAs, etc., were well known at the time of the invention.

It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the teachings of Lenz with a well-known mobile device to improve

mobility and flexibility.

10.   As to claim 8, the claim is rejected for the same reasons as claim 1 above.

Additionally, Lenz discloses that the configurations and preferences are stored both on

the central server and locally (Col. 5, ln. 13-16) and retaining changes made to the

client properties file by a user (Col. 4, ln. 1-10 and 40-42; Col. 5, ln. 8-16).

11.   As to claim 15, the claim is rejected for the same reasons as claim 1 above.

Additionally, Lenz discloses that the client requests the configuration file (Fig. 10).

12.   As to claims 22 and 35, the claims are rejected for the same reasons as 8 above.

13.   As to claim 28, the claim is rejected for the same reasons as claim 1 above.

14.   As to claim 2, Lenz discloses modifying the client properties file prior to receiving the updated properties file (Col. 4, ln. 1-10 and 40-42), wherein time values of the updated properties file are compared to time values of the modified client properties file (Fig. 9; Col. 1, ln. 63 – Col. 2, ln. 22), and wherein the modified client properties file is reconciled with the updated properties file to yield the reconciled properties file (Fig. 10; Col. 1, ln. 63 – Col. 2, ln. 22; Col. 4, ln. 1-10).

15.   As to claims 9, 16, 23, 29, and 36, the claims are rejected for the same reasons as claim 2 above.

16.   As to claims 3 and 13, the claims are rejected for the same reasons as claim 15 above.

17.   As to claim 5, Lenz discloses the client properties file and the updated properties file each contain a configuration of the enterprise application (Abstract, ln. 14-17), and wherein the client properties file further contains the mobile device user settings (Fig. 10; Col. 4, ln. 1-10).

18.   As to claims 18 and 31, the claims are rejected for the same reasons as claim 5

above.

19.   As to claims 7, 20, and 33, the claims are rejected for the same reasons as claim

1 above.

20.   As to claim 10, Lenz discloses the reading steps comprises:

        determining if the client properties file is in the client database (Fig. 10);

        reading the client properties file from the device memory in the client properties

file is not in the client database (Fig. 10);

        copying the client properties file to the client database (Fig. 10); and

        deleting the client properties file from the device memory after the copying the

step (Col. 5, ln. 10-16).

21.   As to claims 24 and 37, the claims are rejected for the same reasons as claim 10

above.

22.   As to claims 11, 25, and 38, the claims are rejected for the same reasons as

claim 1 above.

23.   As to claims 21 and 34, the claims are rejected for the same reasons as claim 1

above.

24.   As to claim 4, Official Notice is taken that memory in a client is selected from the

group consisting of a disk, a memory stick, and random access memory.

        It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the teachings of Lenz by using random access memory as this is

well known in the art. Random access memory is used in clients to store information.

25.   As to claims 12, 17, 26, 30, and 39, the claims are rejected for the same reasons

as claim 4 above.

26.   Claims 6, 19, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Lenz, in view of Parkman et al. (Parkman), U.S. Publication No. 2003/0046375 A1.

27.   As to claim 6, Lenz discloses the invention substantially as in parent claim 1,

including the comparing step comprises comparing the updated properties file to the

client properties file (Fig. 9; Col. 1, In. 63 – Col. 2, In. 22), but is silent on comparing

dates.

        However, Parkman discloses comparing dates (Abstract).

        It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the teachings of Lenz by comparing dates as taught by Parkman in

order to ensure the most recent version of a configuration is implemented in a

networking environment (Parkman: Abstract).

28.   As to claims 19 and 32, the claims are rejected for the same reasons as claim 6

above.

29.   Claims 14, 27, and 40 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Lenz, in view of Hesse et al. (Hesse), U.S. Patent No. 5,950,010.

30.   As to claim 14, Lenz discloses the invention substantially as in parent claim 8,

but is silent on the client and server databases are DB2 databases.

       However, Hesse discloses that DB2 is a conventional means of implementing

databases in a client/server environment (Col. 6, ln. 9-16).

       It would have been obvious to one of ordinary skill in the art at the time of the

invention to modify the teachings of Lenz by using DB2 databases as taught by Hesse

as this is a conventional and reliable means of implementing databases when desired

for a client/server environment (Hesse: Col. 6, ln. 9-16).

31.   As to claims 27 and 40, the claims are rejected for the same reasons as claim 14

above.

Conclusion

32.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

33.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Brian P. Whipple whose telephone number is (571) 270-

1244. The examiner can normally be reached on Mon-Fri (8:30 AM to 5:00 PM EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Bunjob Jaroenchonwanit can be reached on (571) 272-3913. The fax

phone number for the organization where this application or proceeding is assigned is

571-273-8300.

Information regarding the status of an application may be obtained from the

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published applications may be obtained from either Private PAIR or Public PAIR.

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BPW

Brian P. Whipple
9/26/07

BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER

10/10/7